

PMMc
Duluth, MN

UNITED STATES OF AMERICA

BEFORE THE NATIONAL LABOR RELATIONS BOARD

AHL HEALTHCARE GROUP d/b/a
AT HOME LIVING FACILITIES, INC.
Employer

and

Case 18-RC-141923

AFSCME COUNCIL 5, AFL-CIO
Petitioner

DECISION AND CERTIFICATION OF REPRESENTATIVE

The National Labor Relations Board, by a three-member panel, has considered determinative challenges to a mail-ballot election in which the ballots were counted on January 22, 2015, and the Regional Director's report recommending disposition of them. The election was conducted pursuant to a Stipulated Election Agreement. The tally of ballots shows 22 for Petitioner and 21 against Petitioner, with 6 challenged ballots, a sufficient number to affect the results.

The Board has reviewed the record in light of the exceptions, has adopted the Regional Director's findings and recommendations, and finds that a certification of representative should be issued.¹

CERTIFICATION OF REPRESENTATIVE

¹ Member Miscimarra agrees that the Regional Director properly certified the Petitioner as the representative and sustained the Employer's challenges to 6 ballots in light of the Petitioner's agreement with those challenges. Member Miscimarra would reach the same result even considering the Employer's challenges as objections, alleging fraudulent conduct during the mail-ballot election, given the absence of support for the allegations of fraudulent conduct.

IT IS CERTIFIED that a majority of the valid ballots have been cast for AFSCME Council 5, AFL-CIO and that it is the exclusive collective bargaining representative of the employees in the following appropriate unit:

All full-time and regular part-time non-professional employees of the Employer working in St. Louis and Lake Counties; excluding all maintenance employees, business office employees, professional employees, confidential employees, managers, and guards and supervisors, as defined by the Act.

Dated, Washington, D.C., April 24, 2015.

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| Mark Gaston Pearce, | Chairman |
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| Philip A. Miscimarra, | Member |
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| Lauren McFerran, | Member |
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(SEAL)